



General Assembly

Substitute Bill No. 6260

January Session, 2001

AN ACT CONCERNING BUFFER REQUIREMENTS IN LOCAL ZONING CODES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 8-2 of the general statutes is repealed and the following is
2 substituted in lieu thereof:

3 (a) The zoning commission of each city, town or borough is
4 authorized to regulate, within the limits of such municipality, the
5 height, number of stories and size of buildings and other structures;
6 the percentage of the area of the lot that may be occupied; the size of
7 yards, courts and other open spaces; the density of population and the
8 location and use of buildings, structures and land for trade, industry,
9 residence or other purposes, including water-dependent uses, as
10 defined in section 22a-93, and the height, size and location of
11 advertising signs and billboards. Such bulk regulations may allow for
12 cluster development, as defined in section 8-18. Such zoning
13 commission may divide the municipality into districts of such number,
14 shape and area as may be best suited to carry out the purposes of this
15 chapter; and, within such districts, it may regulate the erection,
16 construction, reconstruction, alteration or use of buildings or
17 structures and the use of land. All such regulations shall be uniform
18 for each class or kind of buildings, structures or use of land throughout
19 each district, but the regulations in one district may differ from those
20 in another district, and may provide that certain classes or kinds of

21 buildings, structures or uses of land are permitted only after obtaining
22 a special permit or special exception from a zoning commission,
23 planning commission, combined planning and zoning commission or
24 zoning board of appeals, whichever commission or board the
25 regulations may, notwithstanding any special act to the contrary,
26 designate, subject to standards set forth in the regulations and to
27 conditions necessary to protect the public health, safety, convenience
28 and property values. Such regulations shall be made in accordance
29 with a comprehensive plan and in adopting such regulations the
30 commission shall consider the plan of conservation and development
31 prepared under section 8-23. Such regulations shall be designed to
32 lessen congestion in the streets; to secure safety from fire, panic, flood
33 and other dangers; to promote health and the general welfare; to
34 provide adequate light and air; to prevent the overcrowding of land; to
35 avoid undue concentration of population and to facilitate the adequate
36 provision for transportation, water, sewerage, schools, parks and other
37 public requirements. Such regulations shall be made with reasonable
38 consideration as to the character of the district and its peculiar
39 suitability for particular uses and with a view to conserving the value
40 of buildings and encouraging the most appropriate use of land
41 throughout such municipality. Such regulations may, to the extent
42 consistent with soil types, terrain, infrastructure capacity and the plan
43 of conservation and development for the community, provide for
44 cluster development, as defined in section 8-18, in residential zones.
45 Such regulations shall also encourage the development of housing
46 opportunities, including opportunities for multifamily dwellings,
47 consistent with soil types, terrain and infrastructure capacity, for all
48 residents of the municipality and the planning region in which the
49 municipality is located, as designated by the Secretary of the Office of
50 Policy and Management under section 16a-4a. Such regulations shall
51 also promote housing choice and economic diversity in housing,
52 including housing for both low and moderate income households, and
53 shall encourage the development of housing which will meet the
54 housing needs identified in the housing plan prepared pursuant to
55 section 8-37t and in the housing component and the other components

56 of the state plan of conservation and development prepared pursuant
57 to section 16a-26. Zoning regulations shall be made with reasonable
58 consideration for their impact on agriculture and may require new
59 residential development to include a buffer between such residential
60 development and adjacent agricultural land uses, provided such buffer
61 shall not exceed existing setback requirements. Zoning regulations
62 may be made with reasonable consideration for the protection of
63 historic factors and shall be made with reasonable consideration for
64 the protection of existing and potential public surface and ground
65 drinking water supplies. On and after July 1, 1985, the regulations shall
66 provide that proper provision be made for soil erosion and sediment
67 control pursuant to section 22a-329. Such regulations may also
68 encourage energy-efficient patterns of development, the use of solar
69 and other renewable forms of energy, and energy conservation. The
70 regulations may also provide for incentives for developers who use
71 passive solar energy techniques, as defined in subsection (b) of section
72 8-25, in planning a residential subdivision development. The
73 incentives may include, but not be limited to, cluster development,
74 higher density development and performance standards for roads,
75 sidewalks and underground facilities in the subdivision. Such
76 regulations may provide for a municipal system for the creation of
77 development rights and the permanent transfer of such development
78 rights, which may include a system for the variance of density limits in
79 connection with any such transfer. Such regulations may also provide
80 for notice requirements in addition to those required by this chapter.
81 Such regulations may provide for conditions on operations to collect
82 spring water or well water, as defined in section 21a-150, including the
83 time, place and manner of such operations. No such regulations shall
84 prohibit the operation of any family day care home or group day care
85 home in a residential zone. Such regulations shall not impose
86 conditions and requirements on manufactured homes having as their
87 narrowest dimension twenty-two feet or more and built in accordance
88 with federal manufactured home construction and safety standards or
89 on lots containing such manufactured homes which are substantially
90 different from conditions and requirements imposed on single-family

91 dwellings and lots containing single-family dwellings. Such
92 regulations shall not impose conditions and requirements on
93 developments to be occupied by manufactured homes having as their
94 narrowest dimension twenty-two feet or more and built in accordance
95 with federal manufactured home construction and safety standards
96 which are substantially different from conditions and requirements
97 imposed on multifamily dwellings, lots containing multifamily
98 dwellings, cluster developments or planned unit developments. Such
99 regulations shall not prohibit the continuance of any nonconforming
100 use, building or structure existing at the time of the adoption of such
101 regulations. Such regulations shall not provide for the termination of
102 any nonconforming use solely as a result of nonuse for a specified
103 period of time without regard to the intent of the property owner to
104 maintain that use. Any city, town or borough which adopts the
105 provisions of this chapter may, by vote of its legislative body, exempt
106 municipal property from the regulations prescribed by the zoning
107 commission of such city, town or borough; but unless it is so voted
108 municipal property shall be subject to such regulations.

109 (b) In any municipality that is contiguous to Long Island Sound the
110 regulations adopted under this section shall be made with reasonable
111 consideration for restoration and protection of the ecosystem and
112 habitat of Long Island Sound and shall be designed to reduce hypoxia,
113 pathogens, toxic contaminants and floatable debris in Long Island
114 Sound. Such regulations shall provide that the commission consider
115 the environmental impact on Long Island Sound of any proposal for
116 development.

117 (c) In any municipality where a traprock ridge, as defined in section
118 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located
119 the regulations may provide for development restrictions in ridgeline
120 setback areas, as defined in said section. The regulations may restrict
121 quarrying and clear cutting, except that the following operations and
122 uses shall be permitted in ridgeline setback areas, as of right: (1)
123 Emergency work necessary to protect life and property; (2) any
124 nonconforming uses that were in existence and that were approved on

125 or before the effective date of regulations adopted under this section;
126 and (3) selective timbering, grazing of domesticated animals and
127 passive recreation.

PD *Joint Favorable Subst. C/R* ENV

ENV *Joint Favorable Subst.*